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9 Attorneys for Defendant
10 SMITH'S FOOD & DRUG CENTERS, INC.

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 STEVEN IRVIN, an individual

14 Case No. 2:17-cv-01228-JAD-PAL

15 Plaintiff,

16 vs.

17 SMITH'S FOOD & DRUG CENTERS, INC.
18 aka THE KROGER CO. dba SMITH'S FOOD
19 & DRUG CENTER, a Foreign Corporation;
20 DOES I through X; ROE CORPORATIONS I
21 through XX, inclusive,

22 Defendant.

23 **NOTICE OF SETTLEMENT**

24 TO: THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN;

25 PLEASE TAKE NOTICE that the parties and their counsel participated in a private
26 mediation on February 27, 2018 with Judge David Barker, Retired, acting as the mediator which did
27 not result in a settlement. Thereafter, the parties continued to negotiate and eventually agreed upon a
28 full and final settlement of all claims in the above captioned matter. Under the terms of the
settlement, Defendant SMITH'S FOOD & DRUG, CENTERS, INC. has agreed to pay an
\$90,000.00 to Plaintiff and his counsel. Further, it is understood that Plaintiff and his attorneys are
negotiating liens and may need to proceed with an Interpleader Action if they are unable to work out
an acceptable resolution of the liens. Finally, it is agreed that each side will bear their own fees and
costs and that Plaintiff is responsible to satisfy any and all liens arising out of the incident described
in the Complaint on file herein and to hold harmless and indemnify Defendant from any demand or

1 claim arising out of said liens.

2 The parties anticipate that Defendant will be able to be dismissed from this case within 60
3 days; however, Plaintiff may seek to amend the Complaint to proceed with an Interpleader Action.
4 During the 60-day time period described above, the parties request that any and all deadlines and
5 filing dates be vacated.

6 Dated this 7th day of March, 2018.

7 COOPER LEVENSON, P.A.

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9 By /s/ Jerry S. Busby
10 Jerry S. Busby
11 Nevada Bar No. 001107
12 1835 Village Center Circle
13 Las Vegas, Nevada 89134
14 Attorneys for Defendant
15 SMITH'S FOOD & DRUG CENTERS, INC.

16 **IT IS ORDERED** that:

- 17 1. The settling parties shall have until **May 7, 2018**, to either file a stipulation to dismiss
18 with prejudice, or a joint status report advising when the stipulation will be filed.
- 19 2. The Motion to Compel (ECF No. 34) is deemed **WITHDRAWN without prejudice** in
20 the event the parties are unable to finalize their settlement. The hearing on the Motion to
21 Compel (ECF No. 34), currently set for March 27, 2018, at 10:00 a.m., is **VACATED**.

22 Dated: March 13, 2018

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Peggy A. Leen
United States Magistrate Judge

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of COOPER LEVENSON, P.A. and that on this 7th day of March, 2018, I did cause a true copy of the foregoing NOTICE OF SETTLEMENT to be served via CM/ECF electronic filing upon the following person(s):

Chad A. Bowers, Esq.
3202 West Charleston Boulevard
Las Vegas, NV 89102
Attorney for Plaintiff

Martin I. Melendrez, Esq.
HAWKINS MELENDREZ, P.C.
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Las Vegas, NV 89134
Attorneys for Plaintiff

By /s/ Theresa H. Rutkowski
An Employee of
COOPER LEVENSON, P.A.